

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FAIL-SAFE, LLC,

Plaintiff,

v.

Case No. 08-CV-310

A.O. SMITH CORPORATION,

Defendant.

**ORDER ON DISCOVERY MOTIONS HEARING AND
STIPULATION OF DISPOSITION OF DISCOVERY MOTIONS**

The Court, having presided over a hearing between the parties July 28, 2009, finds that an extension of discovery deadlines is warranted in this matter and

IT IS HEREBY ORDERED that:

1. Plaintiff's expert reports shall be served on or before **November 3, 2009**;
2. Defendant's expert reports shall be served on or before **December 4, 2009**;
3. Rebuttal expert reports shall be served on or before **January 4, 2010**; and
4. Discovery in this case shall close by not later than **January 13, 2010**.

All other dates in the Court's January 6, 2009 Amended Scheduling Order will remain the same.

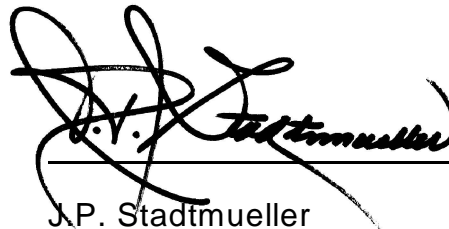
Having also considered the parties' stipulations regarding the pending discovery motions in this case,

IT IS FURTHER ORDERED that Fail-Safe's Motion to Compel Rule 30(B)(6) Deposition (Docket #30), Fail-Safe's Motion to Compel Inspection Pursuant to Rule 34(A)(2) (Docket #38), Fail-Safe's Motion to Compel Disclosure of Rule 26 Documents (Docket #50), and Fail-Safe's Motion to Compel Production of Documents (Docket #51) **SHALL BE HELD IN ABEYANCE** until such time that the parties reach an agreement to moot the motions or report back to the Court for a complete hearing to resolve the matters contained in those motions.

IT IS FURTHER ORDERED that Fail-Safe's Motion to Compel Response to Fail-Safe's First Set of Interrogatories to Identify Witnesses (Docket #49) and Fail-Safe's Motion to Compel Discovery Responses (Docket #52) are **MOOT**.

Dated at Milwaukee, Wisconsin, this 19th day of August, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge